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14 October 1958

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Abel Case

1. This memorandum is for information only.
2. The conviction of Rudolf Ivanovich Abel for conspiracy under the Espionage Acts was appealed to the United States Court of Appeals for the Second Circuit. The Court of Appeals entered judgment confirming the conviction on July 11, 1958. The issues appealed were:
 - a. Whether the Immigration officials arresting Abel under a deportation warrant may conduct a search incident to that arrest and whether the Immigration officials conducting the search acted in good faith in their search relating to petitioner's illegal status in the country in seizing weapons and other documents later used as evidence in the espionage trial;
 - b. whether the evidence supported the jury finding that the information which was the objective of the conspiracy was information relating to the national defense;
 - c. whether the testimony of Sergeant Rhodes that he, after being compromised, furnished information to Soviet agents in Moscow and agreed to continue his cooperation upon returning to the United States was properly admitted to corroborate Hayhanen's testimony;
 - d. whether Abel received a fair trial.

The Court of Appeals rejected all of these arguments.

OGC Has Reviewed

3. The Supreme Court granted certiorari to the Second Circuit on October 13th and according to The New York Times of October 14th is limiting its review to two points:

a. the search and seizure question under the deportation warrant (which is not a criminal warrant);

b. the question whether the articles seized under the warrant were properly received as evidence in the espionage trial.

SIGNED

LAWRENCE R. HOUSTON
General Counsel

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